

NEW HAMPSHIRE SPECIFIC

CONTROL PERSONS INFORMATION FORM INSTRUCTIONS

MU2 FILING AND ATTACHMENTS - For purposes of filing Forms MU2, *each individual listed on Schedule A and Schedule B of Form MU1 must file a MU2 Control Persons Information form* in New Hampshire; they are *principals, direct and indirect owners* and therefore are considered to be *control persons* under NH law. *Principal* of the applicant or licensee includes a corporate officer, executive officer, senior manager, NH branch manager, director, member, general partner, trustee, and any person occupying similar status or performing similar functions. *Principals* include *direct owners* of 10% or more and *indirect owners* of 25% or more of the *applicant* (see the definitions on Schedules A & B). That means that for each individual listed on the schedules or amendments thereto, the *applicant/licensee* must submit a MU2 Form, a Criminal History Record Information Authorization Form, **one (1)** fingerprint card and a \$39 records check fee. All forms may be obtained at our website at www.nh.gov/banking/consumer.html.

Criminal Records checks are conducted by the State of New Hampshire Department of Safety, State Police Division on each individual listed on Schedules A & B. The Department of Safety charges a \$39 fee to cover costs for each record check. A copy of the *Department of Safety Division of State Police Criminal History Record Information Authorization Form* follows these instructions. You may make copies of this form, and then complete a form for each individual listed on Schedule A & B of the MU1. Complete all items in Section I of the Authorization, and make sure to sign the release information in Section II of the form and have the form notarized. **All checks and money orders for the record checks must be made payable to "State of NH – Criminal Records."**

Fingerprints must be submitted in order to complete the criminal background checks. To request fingerprint card(s), which must be on a New Hampshire State Police fingerprint form, you may electronically submit a form from our website www.nh.gov/banking/consumer.html, call (603) 271-8675 or e-mail licensing@banking.state.nh.us the licensing section at the Banking Department, indicate the number of cards needed and the address where they should be sent (only one address; the *applicant* or registrant is responsible for distribution to applicable persons within their organization) and we will send fingerprint cards out to you right away.

Submit a *Criminal History Record Information Authorization Form*, fingerprint card and a fee in the amount of \$39 payable to "State of NH – Criminal Records", for each individual listed on Schedules A & B of the MU1, to the NH Banking Department. We will forward the document(s) and check(s) to the Department of Safety. Fees covering multiple individuals may be combined into one check.

AMENDMENTS – The *applicant/licensee* must promptly update information on both the Company License Application form and each *principal's* or *direct* or *indirect owner's* Individual Disclosure Form MU2 if it becomes materially inaccurate and when a *principal* leaves the licensee's employ. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment. On each form, circle the item being amended. Complete only the information that is being amended as well as the name of *applicant* and the name of the *principal* or *direct* or *indirect owner*.

UNIFORM MORTGAGE CONTROL PERSONS INFORMATION FORM MU2 INSTRUCTIONS

A. GENERAL INSTRUCTIONS

1. **FILING** – Form MU2 must accompany Form MU1, the Uniform Mortgage Lender/Mortgage Broker form. Each individual, identified as a *control person* for the *applicant* on Schedule A, must complete Form MU2. An *applicant* must also refer to each *jurisdiction* in which it is applying for *jurisdiction-specific* requirements.
2. **EMPLOYMENT REPRESENTATION** – The employment representation section must be completed by an authorized representative of the *applicant* (corporate officer, partner, member, sole proprietor, etc).
3. **TERMS USED** – See the following Explanation of Terms section regarding italicized words/phrases.
4. **DATES** – The filing date is the date *applicant* submits this form to the *jurisdiction(s)*. The effective date is the date *applicant* would like this license/registration or amendment to become effective. Consult applicable *jurisdiction* for effective date expectations.
5. **AMENDMENTS** – The *applicant* must update information about a *control person* as required in each applicable *jurisdiction* by submitting amendments using Form MU2 in addition to Schedule C of Form MU1. On Form MU2, circle the item being amended. Complete only the information that is being amended as well as the name of *applicant* and the name of the *control person*. Consult each *jurisdiction* concerning the return of the prior original license/registration document when submitting the amended Form MU2.

B. FILING INSTRUCTIONS

6. FORMAT

- A. Each individual identified as a *control person* on Schedules A or C must complete Form MU2. A fully completed Form MU2 for each *control person* is required to be submitted to each *jurisdiction* along with the *applicant's* initial Form MU1. Form MU2 accompanies Schedule C when reporting new *control person(s)*. The *applicant* should contact the appropriate *jurisdiction(s)* for additional specific filing requirements.
- B. Employment history, item 5: provide the full legal name of the company, beginning with your current employer.
- C. The Acknowledgment & Consent section must include notarized original manual signature.

- D. The Mortgage Lender/Mortgage Broker Employment Representation section must include original manual signature.
- E. Type all information.
- F. Use only the current version of Form MU2 or a reproduction of it.

7. ATTACHMENTS

- A. Enclose a pair of Fingerprint Cards if required by applicable *jurisdiction(s)* per item 2 of form MU2
 - B. *Jurisdiction(s)* will conduct additional background investigations (including personal credit and employment history) as appropriate for each *jurisdiction*.
 - C. Depending on the *jurisdiction*, individual(s) originating mortgage loans at the business may need to file a Form MU4. Please consult applicable *jurisdiction(s)* to verify the requirements there.
8. **FINANCIAL RESPONSIBILITY** – Consult each *jurisdiction* in which the *applicant* is applying to determine requirements for financial responsibility demonstrated by *control persons*. These may include the submission of personal credit reports, financial statements, surety bond(s), minimum net worth, or other requirements.
9. **JURISDICTION-SPECIFIC REQUIREMENTS** – Consult each *jurisdiction* in which the *applicant* is applying for a list of requirements unique to the *jurisdiction(s)*, including applicable fees, etc.

C. EXPLANATION OF TERMS – The following terms are italicized throughout Form MU2

10. **APPLICANT** – The mortgage lender or mortgage broker applying on or amending information on this form. The only instance in which the *applicant* is an individual is in the case of a sole proprietorship.
11. **CONTROL** – The power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. Any *person* that (i) is a director, general partner or officer exercising executive responsibility (or having similar status or functions); (ii) directly or indirectly has the right to vote 10% or more of a class of a voting security or has the power to sell or direct the sale of 10% or more of a class of voting securities; or (iii) in the case of a partnership, has the right to receive upon dissolution, or has contributed, 10% or more of the capital, is presumed to control that company.
12. **CONTROL PERSON** – An individual named on Form MU1 in Item 1A or in Schedules A, B or C, that directly or indirectly exercises *control* over the *applicant*.
13. **JURISDICTION** – A state, the District of Columbia, the Commonwealth of Puerto Rico, or any subdivision or regulatory body thereof.
14. **PERSON** – An individual, partnership, corporation, trust, or other organization.
15. **FOR THE PURPOSE OF ITEM 6**
16. **CHARGED** – Being accused of a crime in a formal complaint, information, or indictment (or equivalent formal charge).
17. **ENJOINED** – Includes being subject to a mandatory injunction, prohibitory injunction, preliminary injunction, or a temporary restraining order.
18. **FELONY** – For *jurisdictions* that do not differentiate between a *felony* and a *misdemeanor*, a *felony* is an offense punishable by a sentence of at least one year imprisonment and/or a fine of at least \$1,000. The term also includes a general court martial.
19. **FINANCIAL SERVICES OR FINANCIAL SERVICES-RELATED** – Pertaining to securities, commodities, banking, insurance, consumer lending, or real estate (including, but not limited to, acting as or being associated with a bank or savings association, credit union, mortgage lender, mortgage broker, closing agent, title company, or escrow agent).
20. **FOREIGN FINANCIAL REGULATORY AUTHORITY** – Includes (1) a *financial services* authority of a foreign country; (2) other governmental body empowered by a foreign government to administer or enforce its laws relating to the regulation of *financial services* or *financial services-related* activities; and (3) a foreign membership organization, a function of which is to regulate the participation of its members in *financial services* activities listed above.
21. **FOUND** – Includes adverse final actions, including consent decrees in which the respondent has neither admitted nor denied the findings, but does not include agreements, deficiency letters, examination reports, memoranda of understanding, letters of caution, admonishments, and similar informal resolutions of matters.
22. **INVOLVED** – Doing an act or omission or aiding, abetting, counseling, commanding, inducing, conspiring with or failing reasonably to supervise another in doing an act or omission.
23. **MISDEMEANOR** – For *jurisdictions* that do not differentiate between a *felony* and a *misdemeanor*, a *misdemeanor* is an offense punishable by a sentence of less than one year imprisonment and/or a fine of less than \$1,000. The term also includes a special court martial.
24. **ORDER** – A written directive issued pursuant to statutory authority and procedures, including orders of denial, suspension, or revocation; does not include special stipulations, undertakings or agreements relating to payments, limitations on activity or other restrictions unless they are included in an *order*.
25. **PROCEEDING** – Includes a formal administrative or civil action initiated by a governmental agency, self-regulatory organization or a *foreign financial regulatory authority*; a *felony* criminal indictment or information (or equivalent formal charge); or a *misdemeanor* criminal information (or equivalent formal charge). The term does not include other civil litigation, investigations, or arrests or similar charges affected in the absence of a formal criminal indictment or information (or equivalent formal charge).

FORM MU2**CONTROL PERSONS INFORMATION
UNIFORM MORTGAGE LENDER/MORTGAGE BROKER FORM**

Applicant full legal name: _____

Date of filing: _____ Effective Date: _____

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or otherwise to comply with the provisions of law pertaining to the conduct of business for which you are applying, may violate the laws of the *jurisdictions* and may result in disciplinary, administrative, injunctive or criminal action.

INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.APPLICATION ☐AMENDMENT ☐ (To amend, circle items being amended.)

1. Individual's identifying information:

A. Full last, first and middle names:

Last name _____ First name _____ Full middle name _____ Suffix _____

B. (1) Social Security Number: _____

(2) Gender: ☐ Male ☐ Female

C. (1) Date of Birth (MM/DD/YYYY) _____

(2) State/Province of Birth: _____ (3) Country of Birth: _____

D. List all other name(s) you have used or are using, or by which you are know or have been known, other than your legal name, since the age of 18. This field should include for example, nicknames, aliases, and names used before/after marriage. (Use additional sheets as necessary).

1. Name _____

2. Name _____

3. Name _____

4. Name _____

E. (For amendments only) If this filing reports that an individual's name has changed, enter the new name and attach supporting legal documentation

Last name _____ First name _____ Full middle name _____ Suffix _____

F. Office of Employment address: (Do not use a P.O. Box)

☐ If this address is your private residence, check this box.

Number and Street _____ City _____ State/Country _____ Zip+4/Postal Code _____

G. Current Residence address, if different:

Number and Street _____ City _____ State/Country _____ Zip+4/Postal Code _____

H. Telephone Numbers and e-mail address:

Business phone _____

Fax line _____

Area Code _____ Telephone Number _____

Area Code _____ Telephone Number _____

Cell phone _____

Area Code _____ Telephone Number _____

e-mail address _____

CONTROL PERSON'S ACKNOWLEDGMENT & CONSENT:

I swear or affirm that I have read and understand the items and instructions on this form and that my answers (including attachments) are true and complete to the best of my knowledge. I understand that I am subject to administrative, civil or criminal penalties if I give false or misleading answers. I authorize all my current and former employers, law enforcement agencies, and any other *person* to furnish to any *jurisdiction*, or any agent acting on its behalf, any information they have, including without limitation my creditworthiness, character, ability, business activities, educational background, general reputation, history of my employment and, in the case of former employers, complete reasons for my termination.

Date (MM/DD/YYYY) _____

Signature of Control Person _____

Signed or attested before me _____

by _____

Print Notary Public name _____

Print Control Person name _____

on this _____ day of _____

Month _____

Year _____

at _____

State _____

County _____

Notary Public Signature _____

Notary Appointment Expires (MM/DD/YYYY) _____

MORTGAGE LENDER/MORTGAGE BROKER EMPLOYMENT REPRESENTATION

To the best of my knowledge and belief, the *control person* is currently bonded where required, and, at the time of approval, will be familiar with the statutes, regulations, and rules of the *jurisdiction(s)* with which this application is being filed, and will be fully qualified for the position for which application is being made herein. I have taken appropriate steps to verify the accuracy and completeness of the information contained in and with this application. I have provided the *control person* an opportunity to review the information contained herein and the *control person* has approved this information and signed the form.

Date (MM/DD/YYYY) _____

Name of Mortgage Lender/Mortgage Broker (company) _____

By: _____

Signature of authorized party _____

Print Name _____

Title _____

Acknowledgment & Consent and Employment Representation sections must always be completed in full with original, manual signatures and notarization. Affix notary stamp or seal where applicable.

Applicant full legal name: _____

Individual's full legal name: _____

2. Fingerprint Information filing representation:

☐ I represent that I am submitting, have submitted, or promptly will submit to the appropriate jurisdiction(s) two fingerprint cards as required.

Fingerprint Card Barcode(s): _____

☐ I am applying as a control person only in jurisdiction(s) that do not require me to submit fingerprint card(s).

3. Residential History: Starting with current address (item 1G), give all addresses for the past 10 years. (Attach additional sheets as necessary.)

From (MM/YYYY)	To (MM/YYYY)	Street Address	City	State or Province	Zip or Postal Code	Country

4. Employment History: Provide complete employment history for the past 10 years. Account for all time including full & part-time employments, self-employment, military service, and homemaking. Also include periods such as unemployed, full-time student, extended travel, etc. Indicate by "YES" or "NO" whether this employment was *financial service-related* business. (Attach additional sheets as needed.)

From (MM/YYYY)	To (MM/YYYY)	Employer (company name)	Position Held	City	State or Province	Country	YES or NO?

5. Other Business: Are you currently engaged in any other business either as a proprietor, partner, officer, director, employee, trustee, agent or otherwise? (Please exclude non-*financial services-related* activity that is exclusively charitable, civic, religious, or fraternal and is recognized as tax exempt.) If YES, provide the following details: the name of the other business; whether the business is *financial services-related*; the address of the other business; the nature of the other business; your position, title, or relationship with the other business; the start date of your relationship; the approximate number of hours/month you devote to the other business; and briefly describe your duties relating to the other business. (Attach additional sheets as needed.)

Details: _____

YES

☐

NO

☐

6. Disclosures: If the answer to any of the following is "YES", provide complete details of all events or proceedings in an attachment. Refer to the explanation of terms section of the instructions for explanations of italicized terms.

Financial Disclosure	YES	NO
A. Within the past ten years:		
(1) have you filed a personal bankruptcy petition or been the subject of an involuntary bankruptcy petition?	<input type="checkbox"/>	<input type="checkbox"/>
(2) based upon events that occurred while you exercised <i>control</i> over any organization, have any filed a bankruptcy petition or been the subject of an involuntary bankruptcy petition?	<input type="checkbox"/>	<input type="checkbox"/>
B. Has a bonding company ever denied, paid out on, or revoked a bond for you?	<input type="checkbox"/>	<input type="checkbox"/>
C. Do you have any unsatisfied judgments or liens against you?	<input type="checkbox"/>	<input type="checkbox"/>

Criminal Disclosure	YES	NO
D. Have you ever: (1) been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to any <i>felony</i> ? (2) been <i>charged</i> with any <i>felony</i> ?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
E. Based upon activities that occurred while you exercised <i>control</i> over it, has an organization ever: (1) been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to any <i>felony</i> ? (2) been <i>charged</i> with any <i>felony</i> ?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
F. Have you ever: (1) been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to a <i>misdemeanor involving: financial services</i> or a <i>financial services-related</i> business or any fraud, false statements or omissions, theft or any wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses? (2) been <i>charged</i> with a <i>misdemeanor</i> specified in 6F(1)?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
G. Based upon activities that occurred while you exercised <i>control</i> over it, has an organization ever: (1) been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to a <i>misdemeanor</i> specified in 6F(1)? (2) been <i>charged</i> with a <i>misdemeanor</i> specified in 6F(1)?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Regulatory Action Disclosure H. Has any State or federal regulatory agency or <i>foreign financial regulatory authority</i> ever: (1) <i>found</i> you to have made a false statement or omission or been dishonest, unfair or unethical? (2) <i>found</i> you to have been <i>involved</i> in a violation of a <i>financial services-related</i> regulation(s) or statute(s)? (3) <i>found</i> you to have been a cause of a <i>financial services-related</i> business having its authorization to do business denied, suspended, revoked or restricted? (4) entered an <i>order</i> against you in connection with a <i>financial services-related</i> activity? (5) denied, suspended, or revoked your registration or license, disciplined you, or otherwise by <i>order</i> , prevented you from associating with a <i>financial services-related</i> business or restricted your activities? (6) denied, suspended, or revoked your registration or license, disciplined you, or otherwise by <i>order</i> , prevented you from associating with a <i>financial services-related</i> business or restricted your activities? (7) barred you from association with an entity regulated by such commission, authority, agency, or officer, or from engaging in a <i>financial services-related</i> business? (8) issued a final <i>order</i> based on violations of any law or regulations that prohibit fraudulent, manipulative, or deceptive conduct? I. Have you ever had an authorization to act as an attorney, accountant, or State or federal contractor that was revoked or suspended? J. Are you now the subject of any regulatory <i>proceeding</i> that could result in a "yes" answer to any part of 6H or 6I?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Civil Judicial Disclosure K. (1) Has any domestic or foreign court ever: (a) <i>enjoined</i> you in connection with any <i>financial services-related</i> activity? (b) <i>found</i> that you were <i>involved</i> in a violation of any <i>financial services-related</i> statute(s) or regulation(s)? (c) dismissed, pursuant to a settlement agreement, a <i>financial services-related</i> civil action brought against you by a State, federal, or <i>foreign financial regulatory authority</i> ? (2) Are you named in any pending <i>financial services-related</i> civil action that could result in a "yes" answer to any part of 6K(1)?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Customer Arbitration/Civil Litigation Disclosure L. Have you ever been named as a respondent/defendant in a <i>financial services-related</i> consumer-initiated arbitration or civil litigation which: (1) is still pending; or (2) resulted in an arbitration award or civil judgment against you, regardless of amount, or that required corrective action; or (3) was settled for any amount?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Termination Disclosure M. Have you ever voluntarily resigned, been discharged, or permitted to resign after allegations were made that accused you of: (1) violating statute(s), regulation(s), rule(s), or industry standards of conduct? (2) fraud, dishonesty, theft, or the wrongful taking of property?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>